HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.1690/2005

CORAM: Hon'ble Shri **S.R.Nayak**, Chief Justice &
Hon'ble Shri **D.R.Deshmukh**, J.

Petitioner : Mrs. Babita, aged about 35 years, W/o. Shri S.K.Lall, Music Teacher, The Jain International School, Bilaspur (C.G.), R/o HIG-33, Parijat-Castle, Ring Road-2, Bilaspur-495 001 (C.G.)

Versus

Respondents :
1. Miss Ankita Malik, Aged about 10 years, D/o Mr. Kashinath Malik.
2. Shri Kashinath Malik, Aged about 39 years, Both R/o. Quarter No.22-A, Street-26, Sector-10, Bhilai Nagar, Tahsil and Distt. Durg (C.G.)
3. Sr. Supdt. of Police, Durg, District Durg (C.G.)

Shri V.G.Tamaskar, Counsel for the petitioner.
Shri Sudhir Verma, Counsel for respondents No.1 & 2.
Shri Vinay Harit, G.A. for the State/respondent No.3.

ORAL ORDER
(Passed on 20.2.2006)

The following oral order of the Court was passed by S.R.NAYAK, C.J.

This writ petition is filed by Mrs. Babita complaining that her husband Shri Kashinath against the wish and will of their daughter Miss Ankita Malik, the first respondent herein, took her away. The Court having entertained the writ petition on 10.08.2005 examined the parties. Miss Ankita Malik who was present before this Court on that day told the Court that she would like to stay with her father, the second respondent and not with her mother. In that view of the matter, the Court permitted Miss Ankita Malik to go back with her father and stay with him. Since Miss Ankita Malik has been staying with her father out of her wish and will, there is no need to take any

further steps in this writ petition. However, Shri Tamaskar, learned counsel appearing for the petitioner, on instructions from the petitioner, would request the Court to permit the petitioner to visit the residence of second respondent to see Miss Ankita Malik periodically.

2. The above request was not opposed by the other side. In that view of the matter, while disposing of this writ petition, we permit the petitioner to take Miss Ankita Malik out provided Miss Ankita agrees to go with her between 10.00 A.M and 1.00 P.M. on first Sunday of every month and direct her to return Ms. Ankita Malik to the custody of the second respondent at 1.00 P.M. positively. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjani